

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>DREVEN WOODSON,</b>	)	
	)	2:20cv1174
Petitioner,	)	Electronic Filing
	)	
v.	)	Judge David Stewart Cercone
	)	
<b>WARDEN MICHAEL PHILLIPS</b>	)	
<b>YOUNGSTOWN CORRECTIONAL</b>	)	
<b>FACILITY, DIRECTOR OF</b>	)	
<b>FEDERAL BUREAU OF PRISONS,</b>	)	
<b>and UNITED STATES OF AMERICA,</b>	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

January 19, 2021

Petitioner, Drevon Woodson (“Woodson” or “Petitioner”) filed a Petition for Modification of Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(A) or in the Alternative a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (ECF No. 1). The case was referred to United States Magistrate Judge Maureen P. Kelly for a report and recommendation in accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Local Rules for Magistrate Judges.

After considering the petition, Magistrate Judge Kelly issued a Report and Recommendation recommending that: (1) the Petition, treated as a Section 2241 habeas petition, be dismissed without prejudice to being refiled in the United States District Court for the Northern District of Ohio; and (2) the remainder of the Petition, treated as having been filed under 18 U.S.C. § 3582(c)(1)(A), be re-filed at Petitioner’s federal criminal case at No. 2:17-cr-215 (W.D. Pa.).

The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they until September 3, 2020 to file any objections to the Report and Recommendation. No objections have been filed.

After the Court's review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 19<sup>th</sup> day of January, 2021,

IT IS HEREBY ORDERED that the Petition for Modification of Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(A) shall be re-filed at Petitioner's federal criminal case at No. 2:17-cr-215 (W.D. Pa.)

IT IS FURTHER ORDERED that Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 is hereby DISMISSED without prejudice to the petition being filed in the proper federal district court, the United States District Court for the Northern District of Ohio.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 2) dated August 17, 2020, is adopted as the Opinion of the Court. The Clerk shall mark this case closed.

s/ David Stewart Cercone  
David Stewart Cercone  
United States District Judge

cc: The Honorable Maureen P. Kelly  
United States Magistrate Judge

DREVON WOODSON  
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NEOCC  
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*(Via U.S. First Class Mail)*